

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

GASTRONOMICAL WORKERS UNION
LOCAL 610 & METROPOLITAN HOTEL
ASSOC. HEALTH & WELFARE FUND,
Edgar Romney, Chairman, and
Desmond Massey, Secretary,

Civil No. 08-2288 (JAF)

Plaintiffs,

v.

COOPERATIVA DE SEGURO DE VIDA
DE PUERTO RICO,

Defendant.

TEMPORARY RESTRAINING ORDER

Service of process, with a copy of this Order, must be made before November 13, 2008, at 2:00 P.M.

The court, having considered Plaintiffs' Application for a Temporary Restraining Order pursuant to Fed. R. Civ. P. 65 and Local Rule 65.1, hereby **ORDERS** that a Temporary Restraining Order issue in this case in accordance with the request made in the Complaint, enjoining Defendant, Cooperativa de Seguro de Vida de Puerto Rico ("COSVI"), from continuing to suspend the payment of health benefits to participants in the Fund for a period of ten (10) days, **expiring** on **November 22, 2008, at 1:00 P.M.**

In support of this Application, the Plaintiffs have filed a Complaint, the Affidavit of Linda DuVall, of Associated Administrators, LLC, the Fund's third-party administrator, and a

1 Civil No. 08-1545 (JAF)

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2 Memorandum of Law. The relief requested by the Plaintiffs is needed
3 in order to preserve the rights of the Fund and the Fund's
4 participants, on whose behalf the Fund and its above-named Trustees
bring this action.

5 Accordingly, the court hereby **ORDERS** as follows:

6 A. The Defendant, its officers, agents, servants, employees,
7 and attorneys are enjoined from suspending coverage to the Fund's
8 participants;

9 B. The Defendant, its officers, agents, servants, employees
10 and attorneys are enjoined from violating the terms of the Fund's
11 Plan and the Employee Retirement Income Security Act of 1974, as
12 amended ("ERISA");

13 C. The Defendant, its officers, agents, servants, employees,
14 and attorneys are ordered to provide the health benefits to the
15 Fund's participants as set forth in COSVI's November 5, 2008
16 letter, at the premium rates in place as of October 31, 2008;

17 D. While the Temporary Restraining Order is in place,
18 Plaintiffs shall provide a bond in the amount of \$20,000.00.

19 E. Defendant will show cause as to why a preliminary
20 injunction should not issue on **November 18, 2008, at 9:00 A.M.**

21 **IT IS SO ORDERED.**

22 **DATED** in San Juan, Puerto Rico, this 12th day of November,
23 2008, at 1:00 P.M.

24 S/José Antonio Fusté
25 JOSE ANTONIO FUSTE
26 Chief U. S. District Judge